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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,701	10/22/2003	Nerio Alessandri	023349-00284	4634

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ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 600
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339

EXAMINER	
RICHMAN, GLENN E	
ART UNIT	**PAPER NUMBER**
3764	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/689,701	ALESSANDRI ET AL.	
	Examiner	Art Unit	
	Glenn Richman	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/22/03, 5/25/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohsuga et al

Ohsuga et al disclose a frame dynamic means supported by frame interacting with a user for performance the gymnastic or rehabilitative exercises (fig. 5); essence diffuser means which can be associated with the frame to allow scenting of the air around the user (23a).

As for claims 2-4, Ohsuga et al further disclose a combination of frame (fig. 5); dynamic means supported by the frame interacting with a user for performance the type

that can be used rehabilitative exercises (fig. 5),; means for generating a flow air around the user (col. 7, lines 45 – et seq.); essence diffuser means which can be combined with the generator means to allow scenting of generated air flow (col. 7, lines 45 – et seq.); the dynamic means are equipped with drive means wherein the generator means consist of at least one fan housed in frame and power-driven by the drive means (col. 7, lines 45 – et seq.); the diffuser means comprise a filtering element holding the essence and which can be associated with the generator means (col. 7, lines 45 – et seq.).

As for claim 10, Ohsuga et al further disclose the air flow generator means are power-driven by the drive means and controlled by a relative unit to allow generation of the flow correspond with the performance the exercise by the user (col. 7, lines 45 – et seq.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsuga et al Wohrle

Ohsuga et al does not specifically detail the diffuser means comprising a cartridge of the essence.

Wohrle discloses diffuser means comprising a cartridge of the essence (col. 3, lines 21-24).

It would have been obvious to use Wohrle 's cartridge with Ohsuga et al's device, as it is well known, as taught by Wohrle to use a cartridge for dispensing a fragrance.

Wohrle further disclose a protective guard covering part of the dynamic means wherein the generator means are housed inside the protective guard presenting at least one opening for the discharge of the flow generated by the generator means (fig. 1), a protective guard covering part of the dynamic means wherein the generator means protective guard opening for the generated by possible to protective guard relative non-permanent are housed inside the presenting at least one discharge of the air flow generator means it being diffuser means on at the opening and with locking means (fig. 1), a series of openings in the protective guard near the relative generator means order to allow the discharge of air flows around the user of the machine (fig. 1), a series of openings in the protective guard near the relative generator means in order to allow the discharge of air flows around the user of the machine it being possible to fit diffuser means on each opening with relative non-permanent locking means (fig. 1).

Claims 11, 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redmond in view of Ohsuga et al.

Redmond discloses a frame, two rollers supported by the frame and parallel to each other; main endless belt associated with the frame and mounted on the rollers this main belt moving a speed along a closed path and powered by drive means (28).

Redmond does not disclose means for generating a flow of air around a user.

Ohsuga et al disclose a means for generating a flow of air around a user (23b).

It would have been obvious to use Ohsuga et al's means for generating a flow of air, with Redmond et al, as it is well known as taught by Ohsuga et al, to use a means for generating a flow of air around an exercise device, and as Redmond et al disclose a means for dispensing a scent ---

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The user stimuli module contains a smell output device.  Small
vials
containing distilled oils from odor producing organic and
inorganic compounds
are stored in a storage rack with a liquid vial carriage access
similar to
those used in automated hematology analyzers.  Cascade
programming connects the
small output to the visual images.  A heated drip pad is used to
introduce the
odors into the chamber upon command. ---
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Ohsuga et al further disclose essence diffuser means which can be combined with the generator means allow the generated flow be scented, when required.

Claim12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redmond in view of Ohsuga et al as applied to claim 11 above, and further in view of McBride et al.

Redmond and Ohsuga et al do not specifically detail the airflow generator means are power-driven by the drive means of the belt .

McBride et al disclose an airflow generator means power-driven by the drive means of the belt (abstract).

It would have been obvious to use McBride et al's the air flow generator means power-driven by the drive means of the belt, with Redmond's treadmill, as it is well known as taught by McBride et al, to use the power of an exercise to drive an airflow means.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugimoto et al disclose a fragrance dispenser with a fluctuating drive means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Glenn Richman
Primary Examiner
Art Unit 3764